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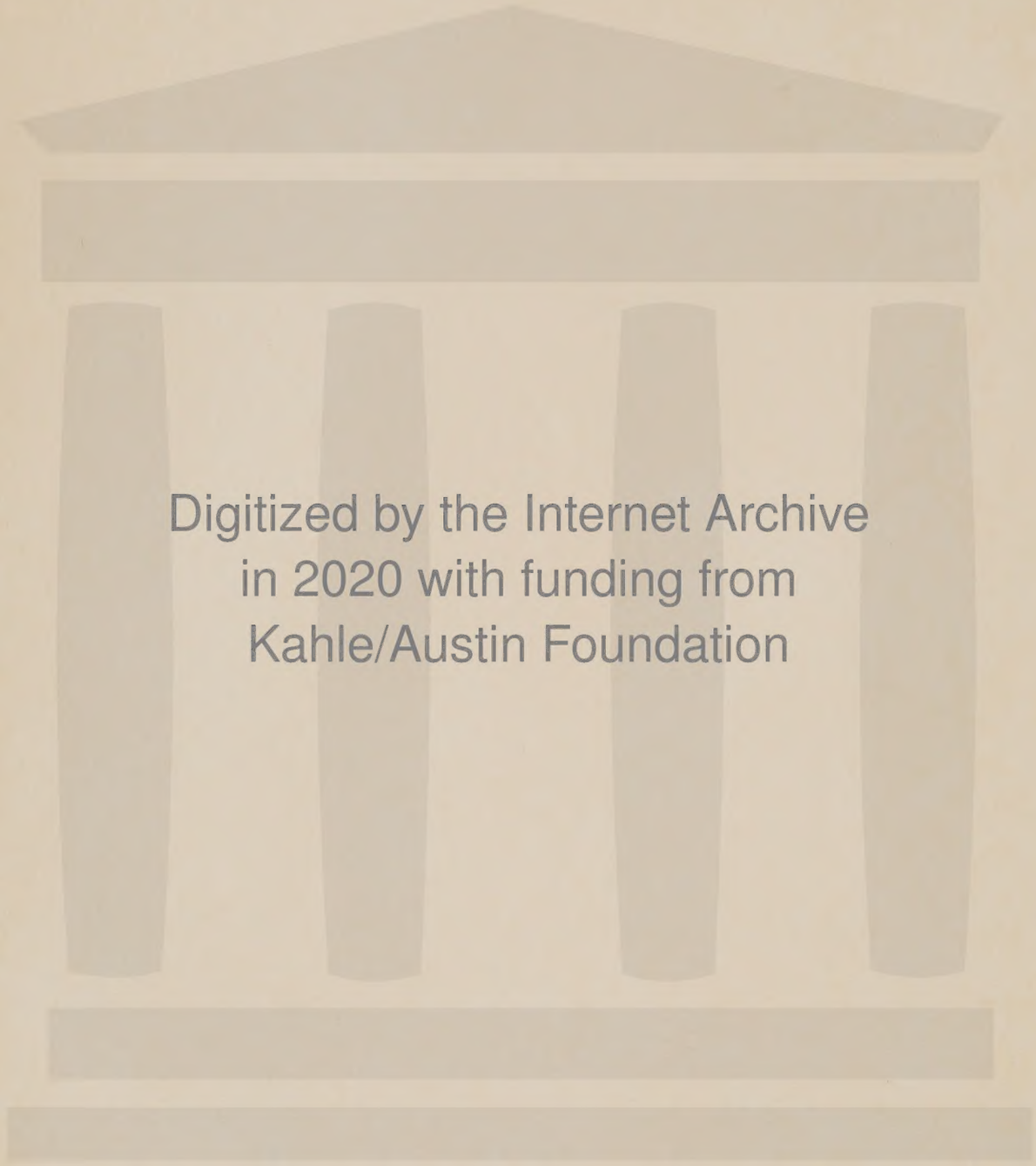
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REPORT ON PRISON LABOR IN CALIFORNIA

The purpose of this study is to outline the need for providing employment for state prisoners which will aid in their rehabilitation, their maintenance and the support of their dependents.

CALIFORNIA TAXPAYERS' ASSOCIATION
Incorporated

1930

ASSOCIATION REPORT NO. 92

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REPORT ON

PRISON LABOR IN CALIFORNIA

Second Edition
Revised

Prepared by

CALIFORNIA TAXPAYERS' ASSOCIATION
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FOREWORD

As a part of our general activity in the study of State government, the Research Department has made a detailed analysis of the State prisons at San Quentin and Folsom. In this study certain observations have been made, particularly one concerning semi-idleness of prison inmates.

Although it is recognized that the subject of criminal reform is not limited entirely to prisons, we have come to the conclusion that much can be done to improve their effectiveness by providing constructive employment for prisoners and that this employment can be used to relieve the taxpayers of much of the cost of prison maintenance.

Accordingly, the following report has been prepared setting forth the various aspects of this problem and suggesting means by which it can be solved.

CALIFORNIA TAXPAYERS' ASSOCIATION

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October, 1930

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SUMMARY

I. It is almost universally recognized that prison inmates should be employed in some form of useful labor, which will result in:

1. Rehabilitation of prisoners by means of
   (a) Abolishing idleness in prisons,
   (b) Preparing men to earn their living after release from prison,
   (c) Teaching prisoners in habits of industry,
   (d) Building bodily health through hard work rather than the physical degeneration of idleness, and
   (e) Stimulating a proper mental attitude toward organized society,
2. Allowing and compelling prisoners to support themselves while in prison, thus relieving the taxpayers of this burden,
3. Making it possible for prisoners to contribute toward the support of their dependents, and requiring them to do so, thus relieving the burden of local charities, and
4. Allowing prisoners to earn a cash reserve preparatory to their release for use until they secure permanent employment.

II. To accomplish these ends it is essential, therefore, for the State to provide suitable industries in its prisons, embodying in the plans therefor:

1. Proper housing and equipment for manufacturing purposes,
2. Proper business management, and
3. A plan for allowing prisoners to share in the economic value derived from their labor, for the purpose of

(a) Encouraging efficient workmanship,

(b) Allowing the earnings of prisoners to assist in the support of their dependents, and

(c) Allowing prisoners to build up a cash reserve preparatory to their release.

III. Since the indiscriminate marketing of prison-made goods is likely to injure free labor and private industry, the sale of prisons' products should be confined to the use of the State and its subdivisions; otherwise, the sale of cheaply produced products would tend to:

1. Disrupt price levels, and
2. Demoralize established markets.

IV. On the other hand, this difficulty can be overcome by limiting the sale of prison-made products to the use of the State, its counties, cities and school districts, otherwise known as the State-use system and having the advantages of:

1. Keeping prison-made goods off the open market, thus avoiding injury to free labor and private industry,
2. Allowing the State to profit from a low cost source of supply for standard commodities, and
3. Diversification of prison industries over a wide number of products in accordance with the varied needs of the State as opposed to dumping a large quantity of a small number of products on the open market.

V. Furthermore, the State-use plan meets with the approval of National organizations such as:

1. The American Federation of Labor, representing labor,
2. The United States Chamber of Commerce, representing industry, and

PRISON LABOR IN CALIFORNIA

Chapter I

THE PROBLEM OF PROVIDING EMPLOYMENT FOR PRISONERS

Penologists throughout the nation agree that if the State is to contribute toward the rehabilitation of its prisoners, it must provide them with useful and instructive employment. The real purpose of imprisonment is defeated if idleness is allowed to persist, for idleness is a large factor in the cause for crime, and in no way aids its cure. Penologists, therefore, view the problem from a social standpoint and insist on prison labor for the social benefit it will bring the State.

Taxpayers, on the other hand, have an economic interest in prison labor as well, for they are the ones who support our prisoners. They recognize that it is not reasonable to maintain able-bodied men in idleness, especially since the demoralizing effect of such idleness tends to stimulate continued careers of crime and thus add to the ultimate cost of prison maintenance.

In spite of the social and economic justification of prison labor, the principle has been the object of severe criticism. This criticism, however, has not been the result of selfish interests entirely, but originates primarily from the abuses to which prison labor has been subjected. For example, prison labor is used in many states in such a way as to interfere with free competition and to demoralize price levels. Contract labor and the leasing system are both uses which are commonly regarded as objectionable. The State-use system, wherein the products of prison labor are sold only to the State and its political subdivisions, however, does not possess these objectionable features and meets more nearly the approval of private interests.

In view of the fact that prison labor is a confused subject in the minds of most people, it is necessary to outline the points of controversy and to comment on their validity. The purpose of this dissertation is to consider the various aspects of the problem, with special reference to conditions in California and from the point of view of the average taxpayer of the State.

Chapter II

HISTORY OF CALIFORNIA'S PRISON SYSTEM

The first state prison in California was located on a barge at Vallejo in San Pablo Bay in 1851. The following year a permanent prison was established at San Quentin and in 1879 a second prison, to be used exclusively for second termers, was constructed at Folsom. Thus California's two prisons were established while the State was less than thirty years old. For the past fifty years no additional prisons have been added.

When our prison system was established, the general opinion was that the State should not be taxed for the support of prisoners. As a result, the initial prison population, numbering 35 inmates, was leased out to private individuals to exploit as they saw fit. The State was thus relieved of the entire cost of prison maintenance.

The lease system, however, did not prove satisfactory and in 1858 the Legislature authorized the Governor to take complete charge of San Quentin Prison. In 1861 the State introduced a system of contract labor whereby arrangements were made to hire out the labor of prisoners to contractors who would establish factories on the prison grounds. Under this system, however, the prisoners remained under the control of state authorities and the State was compensated for their labor on a per diem basis. The articles made included cabinet ware, agricultural implements, cigars, cooperage and and other miscellaneous goods, and were sold on the open market.

Contract labor was used in San Quentin for nearly 20 years, but with the widespread development of private industries in the State, this method of providing employment for prisoners became increasingly unpopular.

Because of the objections raised by private industries and free labor, the Constitution of 1879 provided that after January 1, 1882, contract labor for prisons would become illegal and that the labor of prisoners should be

used exclusively for the benefit of the State.

With the abolition of contract labor the first step taken by the State Board of Prison Directors was to establish at San Quentin the present Jute Mill. Jute grain bags were manufactured to be sold to the farmers of California at slightly more than cost.

The sale of jute grain bags to farmers is not State-use in the true sense of the word, but such sale was taken to imply a benefit to the State, inasmuch as the State's then leading industry was being benefited and without competition with local manufacturers.

Since the establishment of the San Quentin Jute Mill, various factories have been added with varying degrees of success, but all devoted to the manufacture of products for use by the State and its political subdivisions.

When the first prisoners were transferred to Folsom in 1880, they were set to work in the prison quarry, producing crushed rock and building blocks. The construction of the prison plant, the cell blocks and walls, was done largely with convict labor.

For the past 50 years, therefore, a system of State-use has been utilized to dispose of the products made in California's two state prisons. Of course, the system has lacked the complete success to which it is entitled, for without the cooperation of the various consuming agencies of the State, its only market has been limited.

Chapter III

COST OF PRISON MAINTENANCE

When considering the cost of maintaining state prisoners, it is necessary to recognize that under California's prison system there are three classes of prisoners; namely, those within prison walls, those in highway camps and those on parole. From a financial standpoint those prisoners on parole and in highway camps do not constitute a burden upon the taxpayers of the State for they are entirely self-supporting. The prisoners remaining in prison, however, are far from self-supporting and as a result the cost of their maintenance places a heavy burden on the taxpayers.

During the fiscal year 1928-29, for example, our two state prisons spent $1,439,134 for their maintenance and $234,159 for capital improvements. As shown in the following table, annual maintenance costs amounted to $235.33 per inmate in San Quentin and $219.25 per inmate in Folsom.

STATE PRISON EXPENDITURES IN CALIFORNIA

1928-29

	SAN QUENTIN		FOLSOM	
	Total Expenditures	Per Inmate	Total Expenditures	Per Inmate
Food (Purchased)	$ 373,653	$ 91.95	$ 178,564	$ 81.09
Clothing	106,889	26.30	41,878	19.02
Housekeeping	17,843	4.39	9,633	4.38
Laundry	4,228	1.04	2,976	1.35
Guarding	185,178	45.59	115,362	52.39
Care and Welfare	80,005	19.66	36,478	16.57
Maint. & Operation of Plant	111,709	27.49	46,478	21.11
Farming	14,517	3.57	19,277	8.75
General Administration	62,333	15.34	32,133	14.59
Total	$ 956,355	$235.33	$ 482,779	$219.25
Capital Outlays	150,665		83,494	
Grand Total	$1,107,020		$ 566,273	

Considered in further detail, it is found that food is the largest item of expense. In the case of San Quentin Prison it amounted to $91.95 per inmate and in Folsom it was $81.09. These figures, of course, do not include food produced by the prisons in their farming operations.

Guarding is the next largest item, being $45.59 and $52.39 per inmate respectively. Folsom bears a higher cost for guarding because its inmates are a more hardened type and require closer attention than are those in San Quentin.

Outside of the cost of guards, our state prisons spend comparatively little on salaries and wages. In 1928-29 San Quentin spent $222,909 for this item of expense and of this $185,178, or 83 per cent, was for the salaries of guards. It is evident, therefore, that the prisoners provide the bulk of the labor for prison maintenance. It appears that the prison population usually includes a variety of talent in the trades and professions and as a result only department heads and guards need be free men.

Expenses other than salaries and wages constitute 74 per cent of the total expenditures for prisons. Materials and supplies, of course, make up the major portion of prison cost. The following table illustrates the relative position of the different objects of expenditure in both prisons.

STATE PRISON EXPENDITURES IN CALIFORNIA

1928-29

	SAN QUENTIN	FOLSOM
Materials and Supplies	$ 573,122	$ 263,263
Salaries and Wages	222,909	156,799
Service and Expense	106,102	39,783
Property and Equipment	54,222	22,934
Total Maintenance	$ 956,355	$ 482,779
Capital Outlays	150,665	83,494
Grand Total Cost	$ 1,107,020	$ 566,273

Over the past ten years, prison maintenance costs in California have grown from $859,065 in 1919-20 to $1,439,134 in 1928-29. There is nothing startling in this increase, for it has been in line with the natural growth of the State. Moreover, in terms of inmates, costs have actually decreased, but this is largely due to increased purchasing power of the dollar.

It is significant, however, that during this ten year period, total expenditures amounted to $7,647,802 in the case of San Quentin and $4,180,327 in the case of Folsom. In other words, while prisoners on parole and in state highway camps are entirely self-supporting, those prisoners confined to their cells in San Quentin and Folsom have cost the State $11,828,129 during the past ten years. The expenditure of this sum of money to maintain several thousand able-bodied men in semi-idleness constitutes not only a heavy financial burden on the State, but it prevents them from contributing toward their support.

The following table exhibits the cost of maintenance by years since 1920 for both prisons:

TOTAL PRISON EXPENDITURES

1919-20 to 1928-29

	SAN QUENTIN		FOLSOM	
	Total Expenditures	Per Inmate	Total Expenditures	Per Inmate
1919-20	$ 561,691	$302.80	$ 297,374	$351.09
1920-21	576,285	305.24	289,051	332.24
1921-22	548,989	249.86	324,833	354.39
1922-23	560,411	234.96	340,403	331.68
1923-24	616,570	241.97	356,706	298.20
1924-25	667,673	240.42	359,674	280.78
1925-26	703,737	231.33	411,825	269.03
1926-27	747,388	216.63	410,967	219.37
1927-28	842,969	227.69	483,101	226.98
1928-29	956,355	235.33	482,779	219.25
Ten Year Total	$6,782,068		$3,756,713	
Capital Outlays	865,734		423,614	
Grand Total	$7,647,802		$4,180,327	

San Quentin Expenditures	$ 7,647,802
Folsom Expenditures	4,180,327
Ten Year Total for both Prisons	$11,828,129

Chapter IV

PRESENT UTILIZATION OF PRISON LABOR

On July 1, 1930, there were 9,388 prisoners credited to California's two state prisons. Of this number, 2,205 were on parole, and 632 were in state highway camps, while the remaining 6,551 were within the walls of San Quentin and Folsom. Our prison population, therefore, is divided into three groups, each requiring separate consideration in connection with the utilization of prison labor.

Prisoners on Parole

One of the best known agencies for providing supervised employment for state prisoners is the parole system. After a prisoner has served the minimum sentence prescribed by law, he is eligible for parole and in the event that he is trustworthy and has maintained a satisfactory record while in prison, he is released. With the understanding that he is still in the custody of the State, he is provided with suitable employment and is thereby allowed to reestablish his position in Society.

In 1893 the present parole law was passed. Since its inception, over 15,000 state prisoners have been released on parole. These prisoners, in turn, have earned over $19,000,000. While this amount of money represents an addition to the wealth of the State, it has also relieved the taxpayers of the cost of supporting these prisoners had they been retained in prison.

On July 1, 1930, there were 2,205 men out on parole. If these prisoners were confined to their cells during the full length of their terms, they would cost the State, at $225 per inmate, nearly $500,000 a year to maintain. On the contrary, they are placed on their honor to earn an honest living, to support themselves and their families. During this probationary period, paroled prisoners are subject, under penalty of a return to prison, to provide for their own rehabilitation. The transition from prison life to freedom is

thus made easier and its success is almost assured, for the plan has the complete cooperation of both the authorities and the prisoner. Hard work in organized industry, however, is the keynote to success under the parole plan.

The parole system, therefore, is a valuable means of restoring to earning power a substantial portion of our prison population, making them not only self-supporting but also enabling them to contribute to the support of their dependents. The system is producing the desired results, that is, rehabilitating prisoners and relieving the State of the cost of their maintenance in prison and of public assistance to their dependents.

Prisoners In Highway Camps

Although highway work is largely physical and is of little value in connection with vocational training, it serves to keep a substantial number of state prisoners occupied. On July 1, 1930, there were 632 prisoners working in state highway camps, or slightly over 8 per cent of the total prison population.

The present law providing for the employment of state prisoners in highway construction was passed in 1915. Since that time and up to March 31, 1930, 4,616 prisoners have been transferred from San Quentin and Folsom to these camps.

In order to make these camps financially possible, the State Highway Department allows, amended to 2.50 ? $2.10 per day for the work of each prisoner. The law provides that after the entire cost of maintaining the camps is paid, the residual portion shall be paid to the prisoners but that in no case shall this amount exceed 75¢ per man per day.

During the biennium ending June 30, 1928, the gross earnings of highway prisoners amounted to $356,060. The cost of their maintenance, however, was $310,415, thus leaving a cash balance of $45,644 to be credited directly to the prisoners. This balance amounted to approximately 30¢ per man per day.

In other words, our highway prisoners earn their entire support and, in

addition, have a portion of their earnings left for the use of themselves or their dependents. Moreover, by means of hard labor in healthful surroundings, prisoners working in highway camps are doing much to prepare themselves for a safe return to useful citizenship. Lying in prison in a state of semi-idleness certainly does not fit a prisoner, either physically or mentally, to earn his living after release. Hard work is recognized as an aid in the elimination of unsocial tendencies and in this respect highway camps for prisoners are serving a useful purpose, to the prisoner, to Society and to the development of the State.

Prisoners Within Prison Walls

Although the parole system and the highway camps now in operation provide suitable employment for approximately 30 per cent of the total number of prisoners credited to our two state prisons, the problem still remains of the 6,551 men retained behind the walls of San Quentin and Folsom. In assuming the responsibility of keeping this number of men in crowded quarters without adequate employment, the State finds itself in a difficult position.

Most persons are interested in the sensational aspect of prison life, but very few are familiar with the social and economic problems of prison administration in dealing with thousands of semi-idle men. It must not be forgotten that most of these men will some day return to Society, and will doubtless reflect their prison experiences in their attitude toward that Society.

When the State sends a man to prison, its responsibility does not end in providing food and shelter during the period of imprisonment. After a man is fed, clothed and housed, the well-being of himself in prison and after release and that of the State most particularly, depends on how he has spent his time and whether it has been devoted to useful employment or to semi-idleness. A study of prisoner-occupation in San Quentin and Folsom, therefore, will serve to throw light on the situation in our State.

Utilization of Labor in San Quentin

In the fiscal year ending June 30, 1929, there was an average of 4,123 prisoners within the walls of San Quentin. Of this number, 1,723, or 41.8 per cent, were employed in the prison factories, while 2,231, or 54.1 per cent, were occupied in non-revenue producing work, which had to do with the maintenance and operation of the prison plant. In addition, 169 men, or 4.1 per cent, were unemployed because of sickness or other reasons.

It is difficult to estimate just how many of the 1,723 men employed in the factories were actually needed. The factories are being taxed as an outlet for labor far beyond their normal capacity, for it appears that there are two or three men for every job. It is not fair to say, therefore, that all of these men are productively employed. To illustrate, let us quote from the 1929 Handbook of the National Society of Penal Information regarding San Quentin:

> "The industrial program grows each year more inadequate. All that can be said for most of the industries is that they keep part of the inmates partly busy part of the time. The jute mill, which employs 1,100 men, is treadmill labor that can be justified only on the ground that it is better than idleness. The machinery is 45 years old, of an obsolete foreign make. In this mill, as in the other shops, most men finish their work early in the afternoon and there is semi-idleness through much of the day."

In the employment of 2,231 prisoners in the maintenance and operation of the prison, there was also unnecessary use of human effort. Although a vast amount of necessary work, both of a domestic nature and in construction, is accomplished by these men, many of them are given routine tasks for the sole purpose of alleviating the condition of semi-idleness. For example, during the year an average of 97 men were used in maintaining the San Quentin

prison flower gardens, and 131 men worked in the vegetable garden, the areas of which are small enough to indicate the absurdity of consuming the time of this number of men.

Throughout the prison this condition persists, showing that the administrators are having difficulty in finding suitable tasks for even part-time occupation of all of the inmate population. It is doubtless far better to occupy men with insignificant tasks than to allow them to rot in complete idleness, but the real purposes of industry cannot be achieved in this manner. From the above one should not conclude that all the convicts in San Quentin and Folsom are idle. This is not true, for industry is developed there to a certain extent. Moreover, through the ingenuity of the wardens most of the men are given tasks of some kind or another. But it appears that popular sentiment and political influence have restrained the State from carrying out any complete industrial development in either prison.

San Quentin Prison has a jute mill in which jute bags are made to sell to farmers in this State. A small furniture factory is in operation, but lack of support has impaired its development. The prisoners make their own clothes and shoes and the prison offers a small amount of such commodities for sale to other state institutions. Folsom, on the other hand, has no industrial work except its rock quarry, where granite blocks are produced for building purposes within the prison.

The number of men employed in these factories during the year 1928-29 averaged as follows:

Jute Mill	1,164
Furniture Factory	272
Clothing Factory	176
Shoe Factory	111
Total	1,723

The number actually employed, which represents 42 per cent of the total prison population in San Quentin, is not an index of employment, however, for

all of the factories are greatly overcrowded. The jute mill, for example, uses effectively some 700 men and yet there were 1,164 working there. As a result, working conditions are very unsatisfactory and prison officials are crippled in their attempts to provide useful and instructive employment for all inmates.

San Quentin Prison Earnings

Although there was an average of 1,723 men employed in San Quentin's revenue producing industries during the year 1928-29, the prison earned but $55,279 or $13.41 per inmate. Obviously this is an entirely inadequate showing and indicates that the industrial system completely falls down in one respect or another.

In a study of 40 state prisons, it was shown that their average earnings in 1927-28 exceeded $170 per inmate or over thirteen times as great as San Quentin's figure for that year of $13.13. Folsom was still less favorably situated, for it produced sundry revenue amounting to $3.88 per inmate.

Industrial conditions in both prisons, however, have never been very satisfactory. The factories in San Quentin, are operated under a great handicap. Much of the equipment is antiquated and entirely unsuited for producing marketable products. The quarters are crowded, poorly lighted and improperly arranged.

Because of these conditions, the factories have not been profitable. For the past eight years, their earnings per man employed have averaged but ten cents per day. This figure represents the value of a day's labor for each convict employed and does not take into consideration the total prison population. It seems difficult to believe that any man's labor should prove so small in value.

The furniture factory, for example, has averaged for the past eight years a daily profit per convict employed of two cents. In other words, over this period, the furniture factory has consumed 638,666 convict days, much more than

was necessary to produce the volume of output realized. Because of this excess of man power each day's work has produced only 65 cents worth of finished furniture, 63 cents of which represented materials and overhead and 2 cents labor. The labor of the most unskilled ditch-digger is ordinarily worth at least several dollars a day.

Utilization of Labor in Folsom

In the fiscal year ending June 30, 1929 there was an average of 2,202 prisoners in Folsom. Inasmuch as there are no established opportunities for production in Folsom, such as there are in San Quentin, all labor is classed as non-revenue producing. A small amount of goods was sold outside, however, but such sales are purely incidental.

The same effort to provide some kind of occupation for inmates is being made at Folsom as at San Quentin. There were 698 men in the quarry which, it appears, can comfortably accommodate no more than a third of that number. In addition, 480 men were used in construction work in connection with the erection of a new cell house. Upon the completion of this work these men, including those in the quarry where granite building blocks are made, will again constitute a problem.

The Minnesota Plan

An outstanding example of what can be done in the direction of complete prison industrial development is found in the Minnesota State Prison at Stillwater. This institution uses convict labor in the manufacture of farm machinery and binder twine which is sold to the farmers of that State. Through its manufacturing operations last year, the prison was able to earn over $425 per inmate. Out of these earnings the prison was able to pay for its entire support. No appropriation has been received from the State Treasury since 1917. In addition, the earnings make it possible to pay the inmates from 25 cents to $1.00 a day for their work, which, in turn, is frequently applied toward the support of their families.

When these men have completed their terms they are better fitted to assume their respective positions in Society. They have been taught a trade of some kind, and what is more important still, they have been taught the dignity of labor and habits of industry. Prison discipline, the Warden claims, is relatively simple under the Minnesota plan of industry. Moreover, the taxpayers of that State have been relieved of the burden of maintaining these felons, and are convinced that because of the industrial system, convicts are less likely to become "repeaters" thus continuing to burden the public purse.

Chapter V

NEED FOR INDUSTRIAL DEVELOPMENT

Penologists throughout the nation agree that prisoners should work and that such work should be so organized as to pay for their maintenance, teach the dignity of labor and give some training for earning an honest living after release from prison. Authorities recognize both the economic and social purpose of prison labor.

Conditions in San Quentin and Folsom, however, indicate that the ideals of prisoner employment are being only partially attained. If earnings of $13 per inmate per year in San Quentin can be used as a measure of such development, there is little doubt that much still remains to be done. Nevertheless, before proper employment for prisoners can be provided, it will be necessary to demonstrate the need.

Rehabilitation of Prisoners

Contrary to popular belief, Society's greatest responsibility does not end when a criminal is placed behind the bars. That is where the serious responsibility begins. The State has taken into its custody an individual who will, in most cases, be released some day and will be expected to live a life of usefulness. Many people think that, unless a man is insane, mere punishment fits him for such a return. The number of men who enter prison for repeated terms, show plainly that punishment is not enough, and furthermore, that rehabilitation has not been achieved.

Among the men sentenced to prison for the first time, the hardened criminals are far in the minority. Most prisoners, it appears, have been more or less affected by economic and social circumstances. As a result, their stay in prison goes far either toward curing them or toward making them professional criminals. Released prisoners usually reflect their prison experience in their attitude toward Society.

Imprisonment, if properly handled, is frequently capable of rehabilitating men. The real purpose of imprisonment is defeated, however, unless prisoners are required to work. Idleness is highly demoralizing to the individual, especially while isolated from Society, and makes rehabilitation practically impossible. For example, picture yourself, a normal citizen in every way, being kept in idleness, rotting physically and degenerating mentally, while your family roams the streets in want. After a period of years, do you believe that you would be better fitted for Society than before?

In turn, consider the effect on Society in general, for some day these criminals will be released to mingle with free citizens again. It is difficult to believe that these men, who are already classed as social outcasts, will be reformed after experiencing several years of semi-idleness behind the bars. Idleness is a contributory cause of crime, not its cure. It is to the interest of all, therefore, that our convict population be occupied in order to help to cure them of their unsocial tendencies.

The age of prisoners is an interesting point in connection with rehabilitation. During the fiscal year 1927-28, for example, San Quentin received 1,846 prisoners. Their ages ranged from 16 to 72, but the average (median) age was 26.4 years. Over 61 per cent of these prisoners were under 30 years of age and 39 per cent were under 25 years of age. The majority of newcomers to San Quentin, therefore, are comparatively young men and in most cases are capable of successful rehabilitation.

In view of the fact that so many of these prisoners are young men, the necessity of preparing them to return to Society becomes more vital. If properly trained in habits of industry and fitted physically and mentally for some useful work after release, the possibility of a return to a life of crime is reduced to a minimum. Society owes itself this protection, especially as large numbers of repeaters seem to be produced under the present system of semi-idleness.

Constructive employment is probably the most valuable means of leading a man away from criminal tendencies. To teach a man habits of industry and to impress upon him the dignity of labor will do much to restore him to useful citizenship. Training along some specialized line of work, however, will constitute a still greater safeguard against the urge to return to a life of crime.

In addition to the vocational advantages of constructive employment, there are also those of physical and mental health. Men who have been working on highway construction, for example, are in the best of physical condition, hardened and accustomed to strenuous work and possessed of a healthy mental attitude. Idleness, on the other hand, is productive of mental and physical deterioration and as a result, a prisoner subjected to this condition is entirely unfit to return to Society and to earn his living by honest work.

Discipline of Prisoners

It has been said that idle hands and idle minds constitute the "Devil's Workshop." Although this applies to free men as well as to prisoners, the surroundings in which the latter must live makes the effect far more serious. Handling thousands of men, most of whom are already suffering from unsocial tendencies, is not an easy task under the best of circumstances, but when the fruits of idleness or semi-idleness are present, discipline is made extremely difficult. Idleness complicates discipline where labor stimulates good behavior, especially if it is interesting labor.

During the past year, for example, there have been some nine major prison riots in the United States, culminating in the disaster at Columbus, Ohio, where over 320 prisoners lost their lives in an incendiary fire. In each of these riots, except one, human life was lost. The cause in most cases can be traced directly or indirectly to the effects of either idleness or of overcrowded conditions.

From the standpoint of prison administration, therefore, the occupation of inmates with some form of useful work is vitally important. Riots, outbreaks

and minor disturbances are not unknown in California. Idleness no doubt has been a great barrier to the maintainance of discipline among prisoners, especially at Folsom where work is almost non-existent.

Use of Labor for Punishment

A prison term at hard labor has long been recognized as a greater deterrent to crime than one spent in semi-idleness. The thought of "doing time on the rock pile" has been used to advantage by our courts in phrasing their prison sentences. To the hardened criminal, the thought of work is repulsive. No doubt, this attitude has much to do with the fact that he has chosen a life of crime.

To the novice, however, and this class is in the majority, hard work is a source of rehabilitation. In other words, whereas the first offender needs hard work to rebuild himself, it constitutes real punishment for the confirmed crook.

Financing Released Prisoners

When a prisoner is released from prison he is provided with a new suit of clothes, transportation to the point of his commitment and ten dollars in cash. Thus supplied, he is turned back into the world and expected to resume his position in Society. Most of us realize, however, that our economic system is so constructed that it cannot make an opening for an unemployed man on a moment's notice and that ten dollars will not sustain a person very long.

Unless a discharged prisoner is exceptionally fortunate in securing a position almost immediately, he will be found wandering the streets without funds and either downcast or defiant toward Society as the result of his plight. The urge to return to crime, although suitable charities are open to lend their aid, thus manifests itself and many a renewed criminal career with an eventual return to prison has doubtless started under this situation.

On the other hand, if a prisoner were able to build up a small cash reserve while in prison, he would, upon his discharge, be able to tide himself

over the lean period until he has had time to reestablish himself, socially and economically. No man should leave prison without sufficient cash in his possession to support himself until he gains steady employment.

Dependents of Prisoners

When the State commits a married man to prison for a period of years it deprives his family of its means of support during that time. It is difficult to determine the exact number of families which are thus affected, but there are definite figures showing the percentage of married men to the total number of prisoners sent to San Quentin prison each year.

In the fiscal year 1928-29, there were 1,612 prisoners received at San Quentin. Of this number 726, or 45 per cent, were married, leaving wives and children at home. Nearly half of the prisoners sent to San Quentin, therefore, have dependents.

No one will question the ethics of depriving a criminal offender of his freedom, for that is the penalty he pays for his offense against Society. On the other hand, the taxpayers must assume the burden of caring for the dependents that a prisoner leaves at home.

In the establishment and operation of prison industries, however, the State can provide its prisoners with a source of revenue which can be applied toward the support of their families. It does not seem reasonable to maintain an able-bodied man in compulsory idleness when his family is in need of his support. Both his moral and physical being would be better served if he were permitted to maintain both himself and his dependents.

Relieving Burden on Taxpayers

Ordinarily prisoner employment is viewed from a social standpoint. Rehabilitation of the prisoner by means of useful labor is probably the most outstanding argument in its favor, while provision for his economic welfare after release and for the support of his family while he is in prison are closely allied objectives. Moreover, the matter of labor as a factor in

maintaining prison discipline and in punishing the hardened criminal, whose aversion to work is so pronounced, are also important matters. The position of the taxpayers, however, is frequently ignored, for they are called upon to support our prisoners.

To the taxpayer, the employment of prisoners is of serious import, for if prisons can be made self-supporting, they will relieve the State of an increasing tax burden.

The ultimate cost of prisons as borne by the taxpayers arises from three sources:

(1) from the direct support of prisoners,

(2) from additional expenditures occasioned by continued careers of crime following their release from prison, and

(3) from support of prisoners' dependents through local charities and State aid.

The direct support of prisoners is doubtless the greatest single item to be considered. As stated previously, the expenditures for San Quentin and Folsom amounted to $1,673,293 in 1928-29. All of this expense, except $55,279 earned by San Quentin's factories, constituted a direct burden on the State Treasury. The proper development of prison industries, making it possible for prisoners to produce articles used by the State and its political subdivisions, would relieve the taxpayers of a substantial part or possibly all of the cost of prison maintenance.

Probably the next greatest item of burden on the State is the cost of continued careers of crime. Although a prison sentence is intended primarily to punish offenders, an effort is also made to institute measures of criminal reform. In California, however, prison conditions have not been entirely conducive to the reformation of prisoners, for at the present time over 34 per cent of our inmate population consists of repeaters.

If these men had been attracted away from their criminal associations

by the discipline of honest work, beyond a doubt the probability of their return to prison would be materially lessened. The State, therefore, has a financial as well as a social interest in the rehabilitation of prison inmates.

The third item of burden on the State is the cost of supporting, through public charities, the dependents of prisoners. It is difficult to measure the extent of this burden in terms of dollars, but certain figures are available which indicate its existence. Last year, for example, the State Department of Social Welfare had on its charity list the names of 611 children whose fathers were in state prisons. Moreover, of the 12,810 charity cases handled by the Department of Welfare of Los Angeles County in 1928-29, 873 were the dependents of state and county prisoners.

It appears, therefore, that not only must the State support its prison inmates but it must contribute toward the support of their families. Prison industries, together with a compensation plan such as is used in state highway camps, would do much to alleviate this economic burden by permitting inmates to assist in the support of their families at home.

In California, it costs over $225 a year to keep a man in prison. A sentence of ten years imprisonment, therefore, imposes automatically a fine of $2,250 on the taxpayers of the State. Moreover, the State not only supports 6,500 able-bodied men in semi-idleness, but it supports many of their dependents. In view of the social consequences of allowing its prisoners to degenerate through idleness, the present system of maintaining our prisons appears to be entirely without justification.

Chapter VI

ADMINISTRATION OF PRISON INDUSTRIES

Once the need for providing employment for prisoners is clearly demonstrated to the public and the legislature feels free to make the necessary appropriations for the development of prison industries, there still remains the problem of their administration. The industries must be carefully selected to assure that they are of a character that can be successfully operated, that they will give employment to a large number, that they will represent the very minimum of competition with any established California industry. In addition, they must be properly housed and equipped and care must be exercised in their organization. Not only must the industrial program include strict provision for prisoner rehabilitation, but it should assure financial success. With these two objectives in view, therefore, there are a number of factors to consider before establishing prison industries.

Business Management

Probably the most important factor in any producing enterprise is the nature of its management. Private corporations generally fail or succeed according to the ability of their executives. A prison enterprise is no less susceptible to the handicap of mismanagement.

At present, the factories at San Quentin cannot be regarded as exceptionally well managed. Periodical losses from operations are frequent, and although both the jute mill and the furniture factory are in the hands of technical experts, such losses cannot but reflect against the factories as a whole. In fairness, however, it must be stated that all of the factories are operating under physical handicaps which are entirely beyond the control of the men in charge.

Complete coordination of effort might readily be assured by placing all factories under a single business manager. Such a manager should be subordi-

nate to the warden, of course, and whereas the warden has direct charge of penological matters, the business manager should have full charge of manufacturing operations.

With a properly qualified factory manager in charge, the financial success of prison industries should be comparatively certain.

Housing of Prison Factories

For efficiency in operation, it is essential that prison factories be housed properly. The arrangement of floor space, power, lighting and ventilation are all vital considerations.

The present arrangements at San Quentin, for example, are entirely unsuited for the purpose for which they are used. Frequent remodeling and makeshift alterations are now characteristic of the factories. These conditions have doubtless impaired factory efficiency to a considerable extent.

Equipment and Facilities

Without proper equipment and facilities, operative efficiency is also impossible. Proper equipment must be provided if prison factories are to produce satisfactory products.

As an example of the difficulty under which the San Quentin jute mill is operating, the machinery now used is over 45 years old. Likewise, the machinery and equipment in the furniture factory is, to a great extent, obsolete. Much of it was improvised by the prisoners in the prison machine shop.

It is obvious that the earning capacity of prison factories, together with their vocational influence on prisoners, cannot have a maximum effectiveness without proper equipment and facilities.

Working Capital

In addition to the physical plant, prison industries require an adequate amount of working capital. Money is needed for purchasing raw material and for supplies. Moreover, a certain investment is represented in finished goods, both in stock and in transit to the consumer.

At the present time San Quentin has two revolving funds, one of $200,000 for the jute mill and one of $50,000 for the other factories. At the end of each biennium these funds, together with accrued profits, revert to the State treasury and new funds are appropriated.

Inventories and Purchasing

A prison industrial program should include provision for the purpose and control of raw materials. Inattention to purchasing may result in severe losses and in the eventual failure of the manufacturing enterprises.

Unforeseen changes in the price of jute, for example, have caused large losses to the San Quentin Jute Mill, amounting to as much as $153,327 in 1921 and $108,755 in 1927.

By placing control of all purchasing in the hands of the State Purchasing Agent, the possibility of errors in judgment along this line can be minimized.

In connection with inventories of finished goods, it is desirable that prison factories maintain stocks only of standardized products. For all items not commonly in demand, no stocks should be maintained, but instead manufacturing should be only on order.

Compensation of Prisoners

Inasmuch as the operation of prison industries is intended for the benefit both of the State and the individual prisoner, it is to the interest of both parties to cooperate. In the rehabilitation of prisoners, the benefits are obviously mutual as between the individual and Society. In utilizing the economic value of prison labor, however, the question arises as to whether or not the State should share its prison earnings with its prison workers.

There are several reasons for providing prisoners with some form of compensation. First, the quality of workmanship depends largely on the interest taken by inmate workers, and as a result an incentive must be provided. Second, some means must be provided whereby a share of the prison earnings can be distributed to the inmates in order to build up a needed cash reserve for in-

dividual prisoners. Third, a portion of the earnings of prison industries should be made available for the benefit of prisoners' dependents.

It seems justifiable to pay prisoners a percentage of prison earnings, since such earnings represent not only an operating profit but the entire value added by labor. Inasmuch as the labor of prisoners costs the State nothing, the value it adds to a product is certainly a net gain. In a private industry this is not the case, for labor must be purchased and earnings do not appear until after the cost of labor is accounted for. The practice of compensating prisoners, therefore, is nothing more than sharing with them a percentage of the value of their labor, the remainder being kept by the State.

Proper working conditions and some form of compensation for inmate workers will do much to encourage efficient workmanship and stimulate habits of industry. In other words, the State must recognize that the cooperative attitude of prisoners has a definite bearing on the financial success of prison industries and it is therefore necessary or at least desirable, to reward prisoners with a share in that success. Such a reward can be in the form of a share in prison earnings or it can be in the form of credits to be applied toward a reduction in sentence.

Of course, it can be argued that compensation constitutes an unnecessary concession to prisoners and that it coddles them, but it must be remembered that the elements of personnel management and human psychology apply to prisoners no less than to free men. Without some definite incentive the full benefits of prison industries, both to the individual prisoner and to the State, cannot be attained.

In the event that prisoners are allowed to share industrial profits, it is necessary to calculate a compensation or profit-sharing scale. Here the problem arises as how to differentiate between prisoners working in factories and those doing domestic work in prison. There are two solutions, first,

to pay all prisoners regardless of the nature of their work and second, to hold the remunerative jobs open only to the best behaved. Still another plan is to provide revenue producing work only for prisoners who have dependents and to confine domestic work in the prison to those prisoners who have no dependents.

The plan whereby all prisoners receive compensation, whether they are employed in factory work or domestic work, is doubtless the most practical. Such a plan is in accord with the community principle of prison operation.

There are two forms of compensation in common use, namely, (1) cash wages, either on a day basis or piece work, and (2) time off the sentence. Cash payment is always acceptable, but among the prisoners, the opportunity to earn a reduction in the length of sentence appears to be more attractive. A combination of the two systems is probably the most desirable.

At the present time, California has no system of compensation for prisoners confined within prison walls. State road camp prisoners, however, receive $2.10 per day for their labor and out of this is subtracted their cost of upkeep - feeding, clothing, housing, guarding and other maintenance expenses. The law provides that the residual share allowable to the prisoner in cash shall not exceed 75¢ per day. In addition, highway prisoners also receive one day free time for every two days worked. In other words, the prisoner can reduce the length of his sentence one-third, by working in state highway camps.

In the development of industries inside prison walls, some provision is needed for sharing earnings with prisoners. All able-bodied prisoners should be compelled to work for their support while in prison and, in addition, the State should compensate them with a percentage of what they earn. This, in turn, will allow prisoners to build up cash reserves preparatory to their discharge or to contribute toward the support of their families.

During the 1929 session of the state legislature, Senate Bill No. 136, "relating to productive activities of prisoners at state prisons and reformatories, providing for payments and credits for such work", was passed by both houses, but failed to pass the Governor.

Vocational Guidance

Of equal importance to making prisons self-supporting, is the social purpose of rehabilitating prisoners. When provision is made for proper management of prison factories, equal care should be taken to provide vocational guidance of the prisoners employed. The factors which have to do with the reformation of inmates, especially young first offenders, should have the same or greater consideration as those having to do with earning power.

The industries should be of a character which will provide vocational training and at the same time produce salable commodities. The work should stimulate in the individual a feeling of genuine accomplishment.

The dignity of labor should be emphasized in the minds of prisoner employees and they should be allowed to acquire habits of industry. Treadmill labor, however, cannot produce these results and would do more damage than good as a cure of criminal tendencies.

The present system of classroom instruction and university extension work in California's prisons, especially at San Quentin, is considered unique by prison authorities. This effort, however, should be enlarged by incorporating a system of vocational guidance in prison factories, together with supervised employment.

If prison industries can be supervised to coordinate production with vocational training, and at the same time are made financially profitable, their objective will be attained.

Chapter VII

MARKETING PRISON-MADE GOODS

Beyond a doubt the greatest problem in connection with the establishment of prison industries is that of finding a suitable market for their products. Everyone recognizes the need for providing employment for prisoners, but the problem of marketing prison-made goods is a subject of diverse opinion.

Systems of Marketing

There are four general methods of administering prison industries and marketing their products, a brief description of which follows:

1. The Lease System wherein prisoners are leased bodily to private interests for exploitation as they see fit, the products of their labor being disposed of in the ordinary channels of trade.
2. The Contract System wherein only the labor of prisoners is sold to contractors for use in state-supervised factories, the products of which are disposed of as above.
3. The Public-Account System wherein the State itself operates prison industries and sells the products thereof on the open market, either directly or through agents.
4. The State-Use System wherein the State operates prison industries and sells goods only to its own institutions and to its political subdivisions - counties, cities and school districts.

Of the four general methods of operating prison industries, only the State-use system forbids the sale of prison-made goods on the open market. Goods purchased under the other systems are sold to the public frequently with little regard for established price levels and organized markets. As a result of these abuses, the use of prison labor in general, whether it be State-use or otherwise, has been strenuously opposed by those whom it affects, namely, (1) free labor, (2) manufacturers and (3) merchants.

This form of competition naturally meets opposition to prison industries from these groups. For self-protection they oppose the indiscriminate sale of prison-made goods on the open market, the result of which is a disruption of price levels and interference with free competition.

Attitude of Various States

The attitude of the various States regarding the marketing of prison-made goods is expressed best in the methods they use. Some States have been ruthless in their handling of prison-made goods, while others have limited the sale of their goods to publicly supported institutions rather than to disturb established markets.

Eleven States limit the sale of prison-made goods to governmental use. Thirteen States sell their prison goods to brokers, wholesalers, retailers and consumers in addition to manufacturing for their own use. Twenty-four States, however, sell all of their goods to private distributors or the labor of their prisoners to contractors. In other words, the majority of States are now disposing of their prison output on the open market. Only a few States are restricted by law to governmental or State-use.

At the present time California is on a State-use basis with the single exception of jute bags which are sold to farmers. At the time the jute mill was founded, however, this was the only mill in California and as a result, its operation served as a direct benefit to the agricultural development of the State and did not compete with established private industry.

Because of the opposition to the sale of prison-made goods on the open market, the State-use system is generally accepted as the most satisfactory plan. In restricting the sale of prison-made goods to the State and its political subdivisions, this system meets more nearly with the approval of all parties concerned than any other marketing system.

Attitude of National Government

The attitude of the United States Government toward the prison labor

problem is best expressed in the bill which passed the last Congress and was approved by President Hoover on May 27, 1930. This bill provides for the development of industries in Federal penitentiaries on the government-use plan. Prisoners are to be used exclusively on public works or in the manufacture of goods which will meet the needs of government institutions and departments. Under no circumstances can Federal prisoners be employed for the benefit of private interests, nor can the goods they produce be sold to the public.

Approval of State-Use System

Recognizing the need for providing employment for prisoners and still cognizant of the injustice of selling prison made goods on the open market, the American Federation of Labor in Washington, D. C. approves the State-use system. Not only does the Federation express its approval, but it has prepared a model State-use law for the guidance of state legislatures.

The United States Chamber of Commerce in Washington, D. C., also approves the State-use system, recognizing its fairness as compared with other systems of prison labor.

Thus the national representatives of labor and industry, respectively, have come to the realization that idleness in prison is a public menace. The State-use system is a compromise upon which all agree, for the State doubtless has the right to employ its wards for its own benefit.

Economic Aspects of Prison Labor

Under the State-use system of disposing of prison products, prison manufacturs must of necessity be diversified. A great many different products must be manufactured in order to cover the varied needs of governmental use. As a result no single item is produced in sufficiently large quantities to have a noticeable effect on any particular industry. Thus, whatever competition results from the State-use plan is but general in its effect on private manufacturers, rather than direct as would be the case where a prison

specializes in a particular commodity and then dumps it on the open market in large quantities.

Inasmuch as the State-use plan equalizes competition as between all industries, it is fair to compare prison output with the total output of private industry. In 1925, for example, the United States Census of Manufacturers credited the manufacturing industries of California with producing goods valued at $2,442,000,000. Of this amount $350,000,000 represented wages paid. It does not seem likely that the efforts of prison industries in this State would have any great effect on a stupendous volume like this. Moreover, many of California's present markets are fed by industries located outside of the State.

Another interesting aspect of prison labor is that every dollar the taxpayers spend to maintain idle prisoners cannot be spent for other purposes. For example, whatever can be saved to the taxpayers immediately becomes available for buying the products of free labor. If public money is spent on prisoners needlessly, it cannot be spent with local merchants. Expressed differently, if our prisons can be made self-supporting, the taxpayers will have their buying power increased correspondingly.

Operation of the State-Use Plan

The material needs of the State and its political subdivisions are so diverse that they include several thousand different products. Because of these diverse needs, prison industries operated under the State-use plan provide an excellent opportunity for vocational training and are capable of achieving a maximum possibility of prisoner rehabilitation. Moreover, this diversification prevents any serious competition with any single industry, as would be true in the case of specialization.

Although the needs of the State and its subdivisions include thousands of different products, it would be obviously unwise for its prisons to attempt to manufacture articles for which the demand among public institutions

and departments is but small.

Preparatory to equipping prison factories, therefore, the administrators should carefully survey the material needs of the State and progressively equip to manufacture only those articles which are in sufficient demand to justify the necessary investment in equipment. The various departments of the State should then be required to purchase these articles only from the prison factories, unless of course the supply were inadequate.

The greater the development of prison industries and the more diverse the line of goods manufactured, the greater would be their educational and rehabilitive value. Financial success, however, is imperative, but such a success would inevitably produce sociological dividends.

Among the more important products which can conveniently be manufactured by prison labor are furniture for public offices and schools, hospital beds and standard equipment, mattresses, blankets, clothing and shoes for public institutions, concrete ornaments for parks, lamp posts, road machinery, street signs, manhole covers, sewer grates, automobile license plates, badges, floor brushes, door mats, aluminum ware, granite ware, rock products, etc. In addition, farming operations can be developed to supply public institutions with non-perishable food products such as beans, potatoes, dried onions, etc. A certain amount of public printing work can be done by prisoners.

The State of Massachusetts is considered outstanding for its success in applying the State-use plan of marketing prison products. Its Department of Correction issues an annual catalog listing standard products manufactured by its prison industries. The latest catalog contains 52 profusely illustrated pages. There are probably no less than 500 different items listed, not including the range in sizes of shoes and clothing. In addition, the prisons will manufacture to order almost any product the State may require.

Marketing Difficulties of State-Use Plan

Although the prison industries of several States operate on the State-use

plan, most of them experience difficulty in getting other departments to use their products. Without the cooperation of the various institutions and departments of the State, it is obvious that prison industries cannot dispose of their products.

One of the principal reasons for the inadequate development of prison industries in California has been the failure of state institutions to buy their products. For example, San Quentin has a small furniture factory in operation, but last year its sales amounted to only $41,000.

Although there are over 3,600 school districts in California, only 18 purchased San Quentin furniture last year. It is estimated that the schools alone consume in the neighborhood of $2,000,000 worth of furniture each year.

It might be mentioned that there has been some doubt as to the quality of San Quentin's furniture, but the fact remains that its furniture has been awarded gold medals at the State Fair at Sacramento for four years in succession because of its excellent quality. Moreover, because of a lack of competitive selling, and an absence of labor cost, San Quentin finds it possible to turn out a superior product, both as to workmanship and as to materials used. In private industry, it is common practice to neglect the finer details for the sake of meeting competition.

Another instance of failure to support San Quentin industries is found in the case of American flags. The schools and public institutions of the State consume in the neighborhood of $50,000 worth of flags annually, but last year San Quentin's flag sales amounted to but $1,273.

This condition seems to be the result either of sentimental objection to prison-made goods, or of the influence of commercial interests seeking public business. Regardless of the cause, however, the fact remains that San Quentin has inventories of furniture and flags unsold because of some form of sales resistance. To correct this condition is a difficult problem, but the State-use plan cannot succeed until a solution is reached.

Distribution Organization for Prison Products

The first need in establishing a system of marketing prison products is centralized control of distribution. A sales organization in charge of the distribution of such goods is essential to maintaining contacts between the productive agencies of our two prisons and the consuming institutions of the State.

At the present time, the department heads in San Quentin endeavor to maintain their sales contacts. They are greatly handicapped, however, for the responsibility of administering their large prison population and their inadequately equipped factories requires most of their attention.

With the expansion of our prison system by the addition of the two new State prisons provided for by the last legislature, namely, the prison in Kern County for women offenders and the prison for junior felons to be located in Southern California, the need for a distribution organization will be more evident. With four separate institutions utilizing the labor of their inmates, each manufacturing for State-use, the problem of coordinating production, with the needs of the State, becomes difficult to handle. Centralized control of selling is the most likely solution, for otherwise there will be much confusion and duplication of effort.

In the State of Massachusetts, all selling is directed by the Department of Corrections, corresponding to the Department of Penology in California. A similar arrangement is desirable in this State. Moreover, it would be advantageous to locate this function at one of the prisons so that the labor of prisoners could be used in keeping accounts and in office routine.

To establish an efficient centralized distribution organization, many important considerations enter in, the first of which is standardization of products. In the case of school furniture, it would be desirable to encourage, if not require, school districts to use standard equipment such as desks, chairs and other articles. Standardization makes manufacturing less expensive

and allows the prison factories to maintain stocks of commonly used products.

A second matter of importance is a properly illustrated catalog, listing all standard products that the prison factories produce together with those items which can be made to order.

Compulsory Preference for Prison Products

After a centralized distribution organization is provided for, the next requirement for the successful operation of prison industries under the State-use plan is to design a means by which the various departments and institutions of the State will be compelled, or at least encouraged, to purchase prison products. In the open market, prison products have the advantage of operating on a price basis, but under the State-use plan they are at the mercy of public officials who buy for their respective institutions.

These officials, moreover, are often influenced by commercial firms and possibly by the sentiments or prejudices of local interests, and as a result they are inclined to ignore prison industries.

In its model amendments for the use of state legislatures in revising their prison labor laws, the American Federation of Labor offers a means of which this difficulty can be overcome:

> "No articles or supplies manufactured under the provisions of this chapter by the labor of convicts shall be purchased from any other source for the state or its institutions unless the superintendent of prisons shall first certify that such articles cannot be furnished."

The State of Massachusetts has this law in operation and its success has been clearly demonstrated. The law provides that all departments of the State, cities, counties and towns shall give the products of corrective institutions the preference when making purchases.

In order to enforce this law, the State requires that all requisitions pass through the office of the Commissioner of Corrections. If a requisition

can be filled by prison factories and price and quality are in line with that in the open market, the order is filled. On the other hand, if the prison factories cannot supply the goods, the commissioner places a "release" on the requisition and the purchase can then be made on the open market. No bill can be paid unless the accompanying requisition has a release attached to it.

Thus the State of Massachusetts has made it mandatory for state departments and political subdivisions to support its prison and corrective industries. In turn, this support has made it possible to provide constructive employment for all prisoners, tending toward their reform and rehabilitation and at the same time relieving the taxpayers of much of the burden of maintaining correctional institutions.

It is doubtful whether the Massachusetts plan could be adapted to California's needs without certain modification. The two States are vastly different in size and in governmental organization, and as a result, a workable plan in one might prove impractical in the other.

It is believed, therefore, that the compulsory feature of the Massachusetts plan should be applied only to the departments and institutions of California's state government and possibly to school districts, inasmuch as a portion of school support is provided by the State Treasury. Thus counties and cities would not be compelled to buy from prison factories. It would be desirable, however, to compel the latter subdivisions to submit their requisitions to the prison factories so as to allow the prisons to bid on those items for which they are equipped to produce.

With the exception of California's excellent practice of employing prisoners on state highways, the State is years behind in prison conditions. To maintain its prisons, it imposes a heavy burden on its taxpayers and fails to utilize, either for social or economic benefit, the vast supply of prison labor which is worse than wasted within its prison walls.

This is doubtless due to a lack of directed public support in insisting

that our present prison labor laws be made more effective, to the end that useful employment be provided for every able-bodied prisoner. As long as 90 per cent of these prisoners will some day return to Society, the State should make the very most of its opportunity to return them in a better mental and physical condition than that existing at the time of commitment.